



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

3 North Lowell Rd, Windham, New Hampshire 03087

(603) 432-3806 / Fax (603) 432-7362

[www.WindhamNH.gov](http://www.WindhamNH.gov)

### Approved Planning Board Minutes

Wednesday March 16, 2016

7:00pm @ Community Development Department

Paul Gosselin, Chairman –Present  
Kristi St. Laurent, Vice-Chairman - Present  
Margaret Crisler, Member - Present  
Joel Desilets, Selectman - Present  
Kathleen DiFruscia, Alternate - Present  
Ross McLeod, Alt Selectmen - Excused

Alan Carpenter, Member - Present  
Dan Guttman, Member - Present  
Ruth-Ellen Post, Member - Present  
Gabe Toubia, Alternate – Present  
Matthew Rounds, Alternate -Present

#### Staff:

Elizabeth Wood, Community Planner  
Dick Gregory, ZBA Code Enforcement Administrator  
Suzanne Whiteford, Minute Taker

#### Call to Order/Attendance/Pledge of Allegiance

Chairman Carpenter stated Johnathon Sycamore reached out to him expressing interest in filling the vacant alternate member slot. Chairman Carpenter and Board members are in agreement to post the available position for application.

**Motion by Ms. Crisler to have staff place an advertisement of availability for an alternate Planning Board Member.**

**Second by Ms. Post**

**Vote 7-0-0**

**Motion carries**

Ms. Wood will reach out to Dave Sullivan and coordinate this position to be posted with other committee member openings.

**Motion by Ms. Crisler to appoint Mr. Gosselin to position of Chairman**

**Second by Mr. Guttman**

**Vote 6-0-1 Mr. Gosselin abstained**

**Motion carries**

**Motion by Mr. Desilets to nominate Ms. St. Laurent to position of Vice Chair**

**Second by Mr. Gosselin**

**Vote 6-0-1 Ms. St. Laurent abstained**

**Motion carries**

**Motion by Mr. Carpenter to appoint Ms. Post as the WEDC Representative.**

**Second Mr. Guttman**

**Vote 6-0-1 Ms. Post abstained**

**Motion carries**

**Public Hearing: Site Plan Regulations & Design Regulations**

A public hearing is to be held in accordance with NH RSA 675:6 (Method of Adoption), to adopt amendments to the existing Site Plan Regulations and Design Regulations, as allowed under NH RSA 674:43 (Power to Review Site Plans) and NH RSA 674:44 (Site Plan Review Regulations). Amendments to the Site Plan Regulations are for the following Sections: Design Review Guidelines Section 708.2.2 and Certified Sites Program Section 1152.1 to add "Market Square Overlay District". Amendments to the Design Regulations are to add Market Square Overlay District to the Regulations and add appropriate regulations for this District to existing Sections 100, 200, 300, 500, 501, 505.2.3, 700, and 701; adds Section 712 for Market Square Overlay District Signage.

**Motion by Ms. Crisler to open Site Plan Regulations & Design Regulations for public hearing.**

**Second by Mr. Guttman**

**Vote 7-0-0**

**Motion carries**

Ms. DiFruscia asked how the design regulations will apply to residential use in the Market Square overlay.

Chairman Gosselin asked staff to add the topic of residential use in a commercial district to the Planning Board priority list for the upcoming agenda.

Ms. Post stated residential use in a commercial district will apply to other designs not just the Market Square Overlay plan.

Ms. Post suggested adding language to the Town of Windham, New Hampshire Design Regulations Architectural Design Standards Section 712 first paragraph to ensure uniformity in signage.

Mr. Carpenter stated prospective landlords of larger commercial development tenants can control the size of signs however, they will have their own logos they want to display.

Mr. Desilets believes there is adequate provision for signage in Section 712 as written.

Ms. DiFruscia stated there is opportunity to have more than one developer in the Market Square Overlay; will all developers be allowed to have 20 foot signs in the Market Square Overlay.

Ms. St. Laurent stated the larger landmark signs are stipulated as frontage on 93 and at the main entrance. There is only potential for a total of 3 signs displayed within the 59 acres of development; at least 2 of the 3 will be located on Wall Street.

Mr. Rounds concurs with Ms. St. Laurent.

Mr. Desilets stated that looking at the maps and the lands, it is his firm understanding that potentially 2 developments can be built; and there is a very good chance that only 1 development can fit. Mr. Desilets believes a worst case scenario will be two signs facing 93.

Ms. Crisler suggested adding language to Section 712.3 limiting landmark signage to 1.

Mr. Carpenter disagrees with placing Ms. Crisler's suggested language to Section 712.3 as he believes it should be addressed in the zoning ordinance.

Mr. Desilets does not think advertising should be limited for potential developers.

Ms. St. Laurent stated the landmark signage is to advertise the Market Square Overlay; for example, the landmark sign for Rockingham Mall only says 'Rockingham Mall'.

Ms. Post stated she knows of towns that are a little less timid on the signage issue and have had great success getting large commercial developers to conform their logos; specifically, Ms. Post has seen a Dunkin Donuts conform their logo to meet uniform signage restrictions. Ms. Post believes if a store wants to be in the Market Square Overlay (even a large well known store like Walmart) it will make adjustments to signage; she has seen it work in other towns. Ms. Post stated if the town wants to define the Market Square Overlay as different and upscale then having uniformity of signage will work.

Mr. Desilets believes the Board has enough control over signage with a comprehensive signage package as written in Section 712.

Chairman Gosselin stated he believes there is benefit to passing the Site Plan Regulations and Design Regulations as written so that something is in place in the event a developer comes forward.

**Motion by Ms. Crisler to approve The Town of Windham, New Hampshire Site Plan Regulations and Design Regulations for Village Center District, Gateway Commercial District, Neighborhood Business District, Professional, Business and Technology District, and Market Square Overlay District guidelines as written.**

**Second by Mr. Desilets**

**Vote 7-0-0**

**Motion carries**

Chairman Gosselin asked Ms. Wood to add Signage discussion to the March 23, 2016 meeting agenda.

**Staff: Mr. Dick Gregory, ZBA Administrator**

**Mr. Toubia seated for Mr. Carpenter**

**Administrative Review of Application: Case#2016-3/Watershed/38 Woodvue Road (18-L-377)**

A Major Cobbetts Pond and Canobie Lake Watershed Application has been submitted for 38 Woodvue Rd. (18-L-377), located in the Residential District A zone and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District (CPCLWPD). The Applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owners, Xiang & Cheng Chen, is proposing to construct a one (1) stall, 288 sq. ft. garage with a driveway expansion of 480 sq. ft. and a 1,540 sq. ft. deck, in the CPCLWPD. The existing impervious surface is 26.8% and resulting impervious coverage would be 29.4%.

Mr. Gregory stated the application for Case #2016-3 is complete and has met all necessary requirements. Mr. Gregory stated Case #2016-3 has been reviewed by TRC, Mr. Keach, and the Conservation Commission Committee and the Shoreline Permit is approved.

Applicant Mr. Joseph Maynard reviewed the plans for Case #2016-3.

Chairman Gosselin asked Mr. Maynard how the pool was going to be filled in. Mr. Maynard commented the entire pool is being removed.

Mr. Carpenter asked Mr. Maynard about the impervious surface coverage in the plan design of the deck.

Ms. DiFruscia asked about the design of the deck.

Mr. Maynard commented the deck is an open wooden deck, there is an 8x8 area that will be covered between the roof and garage for esthetic purposes.

Ms. DiFruscia asked Mr. Maynard if the final project plans will be expanded, per Mr. Keach's suggestion, to specify the rim elevation of the proposed drainage structure; and, amend the Dry Well Detail to specify the vertical dry well dimension and eliminate reference to an overflow pipe.

Mr. Maynard stated he has completed all of Mr. Keach's suggestions.

**Motion Ms. Crisler to approve Case#2016-3, a Major Cobbetts Pond and Canobie Lake Watershed Application submitted for 38 Woodvue Rd. (18-L-377), located in the Residential District A zone and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District (CPCLWPD). The Applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owners, Xiang & Cheng Chen, is proposing to construct a one (1) stall, 288 sq. ft. garage with a driveway expansion of 480 sq. ft. and a 1,540 sq. ft. deck, in the CPCLWPD. The existing impervious surface is 26.8% and resulting impervious coverage would be 29.4%, as presented with a condition that all plan sheets have original signatures and stamps.**

**Second by Ms. Post**

**Vote 7-0-0**

**Motion carries**

**Staff: Elizabeth Wood, Community Planner replaced Mr. Gregory**

**Case#2016-4/Treadwell MINOR Subdivision/9 Fordway Extension (1-A-600)**

A Final Application for a Minor Subdivision was submitted for 9 Fordway Extension (1-A-600) located in the Rural District zone. The applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owner, Treadwell 2008 Revocable Trust, is proposing to subdivide the parcel into two lots resulting in one lot, sized 1.91 acres (83,415 sq. ft.) containing an existing single-family residence; and a vacant lot, sized 1.71 acres (74,588 sq. ft.) for future single-family residential development. An individual well and septic are proposed for the newly created lot. No other improvements are proposed.

**Motion by Ms. Crisler to open Case #2016-4 as a minor subdivision for public hearing.**

**Second by Mr. Guttman**

**Vote 7-0-0**

**Motion carries**

**Mr. Carpenter rejoined the Board**

Ms. Wood did not have any comments for the Board about the plan.

Applicant Mr. Joseph Maynard reviewed Case #2016-4.

Mr. Desilets asked the applicant to speak to the first general comment listed on a memo dated 3/9/2016 from Mr. Steve Keach of Keach-Nordstrom Associates, Inc. to Ms. Wood. General comment #1 recommends the applicant request the NHDES re-issue the NHDES permit application for Subdivision Approval for both platted parcels without approval condition #A.2 which states “approval with a municipal water system only” as it appears the condition was inadvertently imposed.

Mr. Maynard stated he will make sure he has a state signed approval before submitting his final plan.

Mr. Guttman asked Mr. Maynard to explain the issue with connecting to municipal water.

Mr. Maynard explained there is a lot line in the back that does not have enough frontage to run the water line from Derry and connect to the lot. Mr. Maynard stated the DES approval inadvertently came back with approval for the wrong lot. Mr. Maynard stated the proposed well has not been drilled.

Mr. Carpenter asked for clarification on the slopes of the driveway of the referenced lot. Mr. Maynard responded there is a 5% slope on the bottom for the landing, then an 8% slope before flattening back out; and it has a 4 foot cut.

Ms. DiFruscia asked the applicant how the numbering on the new lot will be addressed. Mr. Maynard responded he intends to number the new lot as recommended by Assessor Joe Lessard and the new residence address as recommended by Police Chief Gerry Lewis.

Ms. DiFruscia asked Mr. Maynard to address Conservation Commission Committee's request for soil calculations.

Mr. Maynard replied soil calculations were submitted to the Conservation Commission Committee and reviewed; the committee did not have any problems with the calculations.

**Motion by Mr. Carpenter to approve Case#2016-5 final application for a Minor Subdivision submitted for 37 Armstrong Road (17-J-2) located in the Residence District A, Wetland and Watershed Overlay Protection District, and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District. A portion lies within the 100-year flood hazard zone. The Applicant, Joseph Maynard, on behalf of the property owners, Richard G. Armstrong Revocable Trust of 2002, is proposing to subdivide the property into two lots resulting in one lot with an existing single-family residence, sized 2.83 acres (123,097 sq. ft.) and another vacant lot sized 1.41 acres (61,591 sq. ft.), an individual well and septic tank is proposed to serve the newly created lot, as written and to include the following conditions:**

- 1. As required by Section 601.3.9, original stamps and signatures of the land surveyor, soil scientist and wetland scientist are included on the plans and on any Final Approved plans.**
- 2. Impact Fee amounts will be assessed at the time Subdivision Approval is granted. Add the current amounts of School and Public Safety Impact Impact Fees to the plans.**
- 3. Install a stone boundary on the westerly line of Fordway Extension at the easterly end of the platted lot boundary having a length of 77.42 feet.**
- 4. Support the applicant's requested waiver from the requirements of Section 605.5 of the Subdivision Regulations to plat the subject subdivision such that the length of the future common boundary between Lots 600 and 601 is less than the required 100 feet in length. The positioning of this proposed lot boundary is logical and the genesis of the departure for the requirements of the Regulations is necessitated by existing parent lot geometry.**

**Second by Ms. Crisler**

**Vote 7-0-0**

**Motion carries**

**Case#2016-5/Armstrong MINOR Subdivision/Watershed/37 Armstrong Rd (17-J-02)**

A Final Application for a Minor Subdivision was submitted for 37 Armstrong Road (17-J-2) located in the Residence District A, Wetland and Watershed Overlay Protection District, and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District. A portion lies within the 100-year flood hazard zone. The Applicant, Joseph Maynard, on behalf of the property owners, Richard G. Armstrong Revocable Trust of 2002, is proposing to subdivide the property into two lots resulting in one lot with an existing single-family residence, sized 2.83 acres

(123,097 sq. ft.) and another vacant lot sized 1.41 acres (61,591 sq. ft.). An individual well and septic tank is proposed to serve the newly created lot.

Ms. Wood informed the Board that Mr. Maynard submitted a waiver request for **Section 601.37.4**, which requires the marking of the limits WWPD activity, and **Section 605.1** which pertains to lot area and dimensions.

Ms. Wood informed the Board that Note #16 indicates waivers from **Section 601.37.3**, pertaining to WWPD marking, and **601.39**; pertaining to WWPD and Vernal Pool Buffer Area Marking requirements; however, no written waiver requests have been submitted for these sections.

**Motion by Ms. Crisler to open Case #2016-5 as a minor subdivision for public hearing**  
**Second by Ms. Post**  
**Vote 7-0-0**  
**Motion carries**

Ms. Wood informed the Board the above mentioned additional waiver requests were not posted for public hearing.

Mr. Maynard requested a waiver from **Section 605.1** to allow the existing house to not be within the building box requirement; and **Section 601.37.4** to place WWPD markers on the other side of the driveway instead of placing WWPD markers thru the yard of the existing house.

Mr. Carpenter asked Mr. Maynard to speak about the septic system.

Mr. Maynard responded the existing septic tank was replaced last year. Mr. Maynard stated a drainage study and report has been completed for the lot where the newly proposed house is to be built.

Ms. DiFruscia asked the applicant to explain the drainage direction.

Mr. Maynard described the flow of the water and overflow distance between the new house and Cobbetts Pond that is shown on the drainage report.

Chairman Gosselin opened the hearing for public comment.

No public comments were made.

**Motion by Ms. Crisler grant waivers to section 605.1, because of position of existing dwellings, Section 601.37.4, Section 601.37.3, and Section 601.39 to allow the applicant to place the WWPD markers as outlined on the plan.**

**Second by Mr. Carpenter**

**Vote 7-0-0**

**Motion carries**

**Motion by Ms. Crisler to approve Case#2016-5 a final Application for a Minor Subdivision submitted for 37 Armstrong Road (17-J-2) located in the Residence District A, Wetland and Watershed Overlay Protection District, and Cobbetts Pond and Canobie Lake**

**Watershed Overlay Protection District. A portion lies within the 100-year flood hazard zone. The Applicant, Joseph Maynard, on behalf of the property owners, Richard G. Armstrong Revocable Trust of 2002, is proposing to subdivide the property into two lots resulting in one lot with an existing single-family residence, sized 2.83 acres (123,097 sq. ft.) and another vacant lot sized 1.41 acres (61,591 sq. ft.). An individual well and septic tank is proposed to serve the newly created lot, as submitted with the following conditions:**

- 1. As required by Section 601.3.9, original stamps and signatures of the land surveyor, soil scientist and wetland scientist included on the plans and included on any final approved plans.**
- 2. Impact fee amounts will be assessed at the time that Subdivision Approval is granted. Add the current amounts of School and Public Safety Impact Fees to the plans.**
- 3. A septic easement is proposed on Lot 17-J-2 to serve Lot 17-J-3. Per Appendix A-1, Note 301 (1), of the Zoning Ordinance and Land Use Regulations, this area may not be counted toward the required lot sizing.**
- 4. We recommend the final plat clearly identify those boundary monuments required to be set upon approval of this plat. We further recommend installation of each such boundary monument.**

**Second by Mr. Guttman**

**Vote 7-0-0**

**Motion carries**

Discussion between staff, Board, and the applicant regarding the applicant's request for the approval of submitted Cobbett's Pond and Canobie Lake Watershed Protection Ordinance Land Development application.

**Motion Mr. Carpenter for conditional approval pending staff review of the Cobbetts Pond and Canobie Lake Watershed Protection Ordinance Land Development application submitted by the applicant; if something is not acceptable by staff it will come back before the Board. Staff will review the hydrologic study with Mr. Steve Keach.**

**Second by Ms. Crisler**

Discussion on the motion:

Ms. Post stated she has not seen what the staff is going to review.

Ms. DiFruscia suggested that staff will come back before the Board and comment on whether or not Keach needs another review.

Ms. St. Laurent requested to receive Mr. Keach's opinions about a Drainage Letter (hydrologic study) dated January 14, 2016.

**Vote 6-1-0 Ms. Post opposed as she has not seen the application.**

**Motion carries**

Mr. Carpenter stated the Board will review a letter from Joanne Welch, 56 Turtle Rock Road at the next meeting with regards to Citizens Petition #1.

Mr. Carpenter excused



Mr. Toubia seated for Mr. Carpenter

**Case#2016-6/Tokanel Meadow Rd MINOR Subdivision/7, 10 Meadow Rd (24-F-5207, 5209)**

A Final Application for a Minor Subdivision was submitted for 7 and 10 Meadow Road (14-F-5207, 5209) located in the Rural District Zone. The Applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owners, Linda Tokanel and David & Heidi Tokanel is proposing to subdivide the property into three lots, resulting in one lot sized 1.70 acres (74,133 sq. ft.) containing an existing dwelling, another lot sized 1.73 acres (75,337 sq. ft.) containing an existing dwelling, and a third vacant lot sized 1.7 acres (74,133 sq. ft.) proposed for single-family residential development. An individual well and private septic tank is proposed to service the newly created lot.

**Motion by Ms. Crisler to open Case #2016-6 for as a minor subdivision for Public Hearing.  
Second by Mr. Toubia**

**Vote 7-0-0**

**Motion carries**

Chairman Gosselin stated there is a variance granted by the ZBA.

Ms. DiFruscia stated the notice of decision to grant a variance from the ZBA does not contain the usual rationale for granting the variance.

Mr. Desilets stated he needs to research what happened when the lots went from 3 lots to 2.

Mr. Maynard stated the lot line variance was granted on October 2, 1984.

Chairman Gosselin stated the ZBA decision rule is to be honored by the Planning Board, the Board has no say on the ZBA decision.

Mr. Desilets believes the Planning Board can ask for any information needed to gain knowledge about any case before the Planning Board.

Ms. Post is confused about the ownership situation and she wants to understand it correctly. Ms. Post asked Mr. Maynard how many people own the two lots.

Mr. Maynard explained there are two lots, each with a separate owner. A portion from each lot is being merged to make a third lot.

Ms. Post stated a subdivision is different from merging lots. Ms. Post believes in order to create the third lot the two lots need to be initially merged.

Ms. Crisler stated there is a lot line change on two lots and they are merged to create one lot.

Chairman Gosselin stated the Board has a notice of decision from the ZBA and the Board cannot change the ZBA decision.

Mr. Desilets requested more information. Mr. Desilets asked the applicant if the proposed well overlaps with an existing well.

Mr. Maynard acknowledged the existing well and the proposed well shall have reciprocal well radii easement which provides double protection so a septic system can't be built within the radii.

Chairman Gosselin opened the case for public comment.  
No public comment was made.

**Motion by Ms. Crisler to approve Case#2016-6 final Application for a Minor Subdivision for 7 and 10 Meadow Road (14-F-5207, 5209) located in the Rural District Zone. The Applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owners, Linda Tokanel and David & Heidi Tokanel is proposing to subdivide the property into three lots, resulting in one lot sized 1.70 acres (74,133 sq. ft.) containing an existing dwelling, another lot sized 1.73 acres (75,337 sq. ft.) containing an existing dwelling, and a third vacant lot sized 1.7 acres (74,133 sq. ft.) proposed for single-family residential development. An individual well and private septic tank is proposed to service the newly created lot, as submitted with the following conditions:**

- 1. As required by Section 601.3.9, original stamps and signatures of the land surveyor, soil scientist and wetland scientist included on the plans and included on any final approved plans.**
- 2. Impact fee amounts will be assessed at the time that Subdivision Approval is granted. Add the current amounts of School and Public Safety Impact Fees to the plans.**
- 3. We recommend the final plat clearly identify those boundary monuments required to be set upon approval of this plat. We further recommend installation of each such boundary monument.**

**Second by Mr. Guttman**

Discussion on the motion:

Ms. Post stated soil based lot sizing is the only basis for determining the size of a lot. Ms. Post requested to add to the priority list looking at default lot sizing.

Mr. Desilets agrees with Ms. Post.

Ms. Wood stated the registry won't accept the plan if the ownership isn't worked out.

Chairman Gosselin stated the Board will not be in the middle of ownership issues; it's not up to the Board to decide.

Ms. DiFruscia stated it is not the Planning Board purview on deed and ownership; that is between the owners and the lawyer.

**Vote 7-0-0**

**Motion carries**

**Motion by Mr. Desilets to approve March 2, 2016 minutes as amended**

**Second by Ms. St. Laurent**

**Vote 6-0-1 Ms. Crisler abstained**  
**Motion carries**

**Motion to adjourn by Ms. Crisler**  
**Second by Mr. Guttman**  
**Vote 7-0-0**  
**Meeting adjourned @ 9:39pm**